

Application No. 10/772,765
Filed February 4, 2004
Page 11 of 12

REMARKS

Contemporaneous with the filing of this paper, there are being filed a Terminal Disclaimer and a Transmittal of Corrected Drawing for sheet 1 of the drawings. The reference numerals 97, 98 and 99 which appear on the title sheet of Bujas et al. U.S. Patent No. 6,804,989 were somehow inadvertently omitted from the slightly revised version of the drawing that was filed in this case, and those 3 numbers have now been added to the Replacement Sheet.

The claims and three paragraphs of the specification have been amended so as to consistently reflect the sense of original claims 1 and 11, and to state that the method or apparatus can detect permeation at a rate of less than $0.0001 \text{ gm/m}^2/\text{day}$. The only changes which appear are the addition of language from the claims and the correction of clerical errors in the reference numbers 33 and 79. Also, claim 15 has been amended to insert "film" so as to be consistent with page 15, line 13 of the specification.

The allowance of claims 19 and 20 is acknowledged, and new claim 21 is submitted to take the place of original dependent claim 17. It finds antecedent support in original claims 11 and 17. It is believed the Examiner will find new independent claim 21 to be allowable for those same reasons as were stated with respect to the allowance of claims 19 and 20.

The only rejections of the claims on their merits were based upon obviousness-type double patenting. A Terminal Disclaimer directed to U.S. Patent No. 6,804,989 is being filed contemporaneously with this paper, and it should, as indicated in the final paragraph of page 3 of the Office Action, overcome such a rejection based upon obviousness-type double patenting, thus removing the basis of the only remaining rejection of the claims.

In view of the foregoing amendments and remarks, it is believed that the application has now been placed in condition for allowance. Accordingly, in the absence of any more pertinent prior art, it is believed that claims 1-16 and 18-21 should be allowed, and such action and the issuance of a Notice of Allowance are courteously solicited.

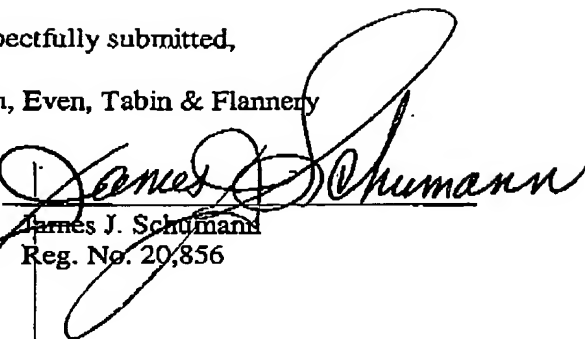
Application No. 10/772,765
Filed February 4, 2004
Page 12 of 12

Respectfully submitted,

Fitch, Even, Tabin & Flannery

Date: March 1, 2006

By:



James J. Schumann
Reg. No. 20,856

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

Direct telephone inquiries to:
James J. Schumann
(858) 587-7642
San Diego, California Office of
FITCH, EVEN, TABIN & FLANNERY

435893_1

BEST AVAILABLE COPY